



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,825	08/01/2001	Steven N. Berk	3016-002-27	4420

7590

11/23/2005

Supervisor, Patent Prosecution Services
PIPER MARBURY RUDNICK & WOLFE LLP
1200 Nineteenth Street, N.W.
Washington, DC 20036-2412

EXAMINER

NGUYEN, TRI V

ART UNIT PAPER NUMBER

3622

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/918,825	Applicant(s) BERK ET AL.	
	Examiner Tri V. Nguyen	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because of undue length (163 words). The applicant is reminded that the maximum length of the abstract is 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by the www.nvst.com website (hereon referred to as "nvst.com"). Furthermore, the website has been described by the published article by Tudor (hereon referred to as "Tudor").

Regarding claim 1, nvst.com and Tudor disclose a method for creating a personalized multimedia content, comprising: conducting an interactive online interview of a user; compiling data based on responses of the user to the interview; analyzing the compiled data to create the personalized multimedia content; and distributing the personalized multimedia content to at least one of a host and a sponsor to facilitate marketing efforts (Tudor: page 2, § 2-3; page 3, § 7-8 and nvst.com: page 5).

Regarding claim 2, nvst.com and Tudor disclose the method of claim 1, wherein the marketing efforts include at least one of a one-to-one marketing effort, an inventory control, and a resell of the personalized multimedia content (Tudor: page 4, § 12 and nvst.com: page 5).

Regarding claim 3, nvst.com discloses the method of claim 2, wherein the resell of the personalized multimedia content is done with permission by the user (nvst.com: pages 6-7).

Regarding claim 4, nvst.com discloses the method of claim 1, wherein the personalized multimedia content is created in real time (nvst.com: pages 6, 7 and 15).

Regarding claim 5, Tudor disclose the method of claim 1, further comprising integrating the personalized multimedia content with a customer relationship management (CRM) system of the host or the sponsor (Tudor: page 3, § 7).

Regarding claim 6, nvst.com and Tudor disclose the method of claim 1, wherein the personalized multimedia content is distributed in key demographic markets (Tudor: page 2, § 2-3 and nvst.com; page 2-pull down menu).

Regarding claim 7, nvst.com and Tudor disclose the method of claim 1, wherein the personalized multimedia content can be customized to a specific market or commercial needs of the host or the sponsor (Tudor: page 2, § 2-3 and nvst.com: page 2-pull down menu).

Regarding claim 8, nvst.com disclose the method of claim 1, wherein the personalized multimedia content can increase online traffic, encourage repeat to the host or sponsor's site, and generate new revenue streams (nvst.com: page 2).

Regarding claim 9, nvst.com and Tudor disclose the method of claim 1, further comprising linking the personalized multimedia content with existing related contents or events (Tudor: page 3, Fig. 3 and nvst.com: pages 5-6).

Regarding claim 10, Tudor disclose the method of claim 1, wherein the creation of the personalized multimedia content stage enhances sponsorship opportunities by at least one of promoting products and services, and creating marketing and promotional activities based on the compiled data (Tudor: page 2, § 2-3).

Regarding claim 11, Tudor disclose the method of claim 1, wherein creation of the personalized multimedia content is driven by at least one of an event, a product, and a survey (Tudor: page 2, § 2 and 6).

Regarding claim 12, nvst.com discloses the method of claim 1, wherein the interactive online interview is voice hosted (nvst.com: page 14).

Regarding claim 13, nvst.com discloses the method of claim 1, wherein the interactive online interview is conducted by at least one of a voice moderator, an interviewer, a pre-programmed script, and a multimedia audiovisual moderator (nvst.com: pages 5, 6, 14 and 15).

Regarding claim 14, nvst.com discloses the method of claim 13, wherein the pre-programmed script includes different variations based on the user's response to a specific question (nvst.com: pages 5, 6, 12 and 13).

Regarding claim 15, nvst.com discloses the method of claim 1, wherein output of the personalized multimedia content includes at least one of a text output, an audio output, and a video output (nvst.com: pages 5, 6, 12 and 13).

Regarding claim 16, nvst.com and Tudor disclose the method of claim 1, wherein the personalized multimedia content is stored in a personal file (Tudor: page 3, Fig 3 and nvst.com: pages 5, 6, 12 and 13).

Regarding claim 17, nvst.com and Tudor disclose the method of claim 1, wherein the personalized multimedia content is linked to a Web site (Tudor: page 2, § 2-3 and nvst.com: pages 1, 12 and 13).

Regarding claim 18, nvst.com and Tudor disclose the method of claim 17, wherein the personalized multimedia content can be shared by others including family and friends by accessing the Web site (Tudor: page 2, § 2-3 and nvst.com: pages 12-13).

Regarding claim 19, nvst.com discloses the method of claim 18, wherein the family or friends can add their own thoughts or perspectives to the personalized multimedia content (nvst.com: pages 12-13).

Regarding claim 20, nvst.com discloses the method of claim 1, wherein the interactive online interview involves at least one of entering text, uploading video, uploading audio, uploading graphic content, uploading archival information, and selecting from a menu of multimedia objects (nvst.com: pages 12-13).

Regarding claim 21, nvst.com discloses the method of claim 20, wherein the archival information includes at least one of a licensed access to a photograph, a famous speech, a

Art Unit: 3622

map, and any information that the user may want to add to the personalized multimedia content (nvst.com: pages 12-13).

Regarding claim 22, nvst.com and Tudor disclose a method for creating a business plan among workgroups, comprising: conducting an interactive online interview of each of the workgroups using a pre-programmed script; developing a profile for each of the workgroups based on responses by the workgroups to the pre-programmed script; and creating the business plan based on the profiles of the workgroups (Tudor: page 2, § 2-3; page 3, § 7-8 and nvst.com: page 2).

Regarding claim 23, nvst.com and Tudor disclose a server operating in a network environment, comprising: an interface that outputs information to and receives information from a user; a database, operationally coupled to the interface, for storing computer readable instructions; and a processor, operationally coupled to the interface and the database, for executing the computer readable instructions to create a personalized multimedia content of the user (Tudor: page 2, § 2-3; page 3, § 7-8 and nvst.com: pages 2, 12 and 13).

Regarding claim 24, nvst.com and Tudor disclose a system for creating an interactive personalized multimedia content, comprising: a computer for a user to request and access information via a network in order to create the personalized multimedia content; a server for executing computer readable instructions to create the personalized multimedia content; and the network, operationally coupled to the computer and the server, for providing communication between the computer and the server (Tudor: page 2, § 2-3; page 3, § 7-8 and nvst.com: pages 2, 12 and 13).

Regarding claim 25, nvst.com and Tudor disclose the system of claim 24, wherein the personalized multimedia content is created in real time (nvst.com: pages 12-15).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Bernado et al. (6,308,188) discloses a system and method for building a website with automated workflow.

Art Unit: 3622

- B. Salmon et al. (5,592,375) discloses a system for interactive brokering of multimedia information.
- C. D'Arlach et al. (6,026,433) discloses a method for creating and editing a website using customizable templates.
- D. Freishtat et al. (5,945,989) discloses a method and an apparatus for adding and altering content on a websites.
- E. Parvoti et al. (6,807,574) discloses a method and apparatus for content personalization over a telephone interface.
- F. www.matchmaker.com is a website where personalized contents are uploaded using a pre-programmed script and are matched to potential partners.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri V. Nguyen whose telephone number is (571) 272-6965. The examiner can normally be reached on M-F 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

nvt



ERIC W. STAMBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600